



# Hazardous Substances Emergency Response Cost Recovery Information

Environmental Services Program technical bulletin

9/2005

Local fire departments and hazardous materials teams often respond to events involving the release of a hazardous substance. This technical bulletin is intended to help local hazardous substance emergency responding agencies recover cleanup costs in accordance with sections 260.500 through 260.550, Revised Statutes of Missouri, sometimes referred to as the "Spill Bill."

## Missouri Statute

Missouri State Law (RSMo Sect. 260.546) states, "In the event that a hazardous substance release occurs for which a political subdivision or volunteer fire protection association as defined in section 320.300, RSMo, provides emergency services, the person having control over a hazardous substance shall be liable for such reasonable cleanup costs incurred by the political subdivision or volunteer fire protection association. Such liability shall not include the cost of normal services which otherwise would have been provided. Such liability shall not include budgeted administrative costs or the costs for duplicate services if multiple response teams are requested by the department or political subdivision unless, in the opinion of the department or political subdivision, duplication of service was required to protect the public health and environment. Such liability shall be established upon receipt by the person having control of the spilled hazardous substance of an itemized statement of costs provided by the political subdivision."

"Full payment shall be made within 30 days of receipt of the cost statement unless the person having control over the hazardous substance contests the amount of the costs pursuant to this section. If the person having control over the hazardous substance elects to contest the payment of such costs, he shall file an appeal with the director within 30 days of receipt of the cost statement."

## Recommended Procedure For Billing

The following steps should be followed when trying to recover costs incurred while handling a hazardous substance release. Remember that the billing is to recover actual costs while trying to clean-up/mitigate the release of the hazardous substance. Its purpose is not to acquire new equipment that may be used by the agency for future responses or replace exhausted equipment. An attached price guide has been provided by a committee comprised of Division of Fire Safety, Department of Natural Resources, and local response agencies across the state of Missouri.

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### **Step 1**

Ensure that the release has been reported to the DNR 24-hour spill line (573-634-2436). This will help document the release and can assist with consistency in response details.

### **Step 2**

Keep good documentation of the activities at the site and who performed various duties. Include photos of any damaged equipment

### **Step 3**

An itemized, detailed bill (see attached example invoice) should be sent via certified mail, with a return receipt requested, to the person having control of the hazardous substance (owner, responsible party, etc.). If equipment was destroyed and compensation is being sought, explain how and why it was lost, including information as to how the replacement cost was determined. This bill should include copies of all bills for any assistance that was required from other departments as defined in the statute. It should be noted that the person having control of the hazardous substance can contest the billing if done in accordance with the law.

### **Step 4**

If payment is not received within 30 days, resubmit the detailed billing via certified mail, with a return receipt requested, along with a copy of the Missouri State law (RSMo Sect. 260.546) copied above. It is important to outline the part of the law that states, "Full payment shall be made within 30 days of receipt of the cost statement." Also, it would be advisable to note to them that "John Doe" signed for the initial statement, which was sent earlier.

### **Step 5**

If the second step is unsuccessful at recovering costs incurred, your agency will need to seek legal counsel (city attorney, county prosecutor, etc.) to assist with the cost recovery.

### **Step 6**

Send one invoice for all agencies involved. This invoice should be sent by the lead agency responsible for the incident with jurisdictional authority.

## **Appeal of Emergency Expenses**

If the person having control over the hazardous substance elects to contest the payment of such costs, he/she must file an appeal with the director of the Missouri Department of Natural Resources within 30 days of receipt of the cost statement. If a billing is contested, it is important that the agency trying to collect incurred costs has submitted an itemized, detailed bill. This itemized detailed bill and proper supporting documentation (narrative incident summary, final reports, invoices, receipts, etc.) will help the director in resolving the appeal in a timely manner.

Questions about cost recovery may be directed to the department's Environmental Services Program at (573) 526-3315.

## **Other Sources of Financial Assistance**

### **Fire Association Billing**

1. Missouri State law section 320.302 allows non-tax supported fire departments that respond to emergencies of nonmembers or non-subscribers to charge a fee. The amount may be up to \$100 for responding to the emergency and \$500 for each hour or a proportional sum for each quarter hour spent providing emergency services.

### **Local Government Reimbursement**

2. The U.S. Environmental Protection Agency (EPA) has a program designed to reimburse local governments that have been affected by costs beyond those routinely incurred when dealing with a hazardous substance release. The Local Governments Reimbursement Program (LGR) is found under federal regulations at 40 CFR Part 310, which defines a hazardous substance in section 101 (14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). Only emergencies involving CERCLA compounds will be eligible for compensation using the LGR program. This does not include petroleum, crude oil or any fraction thereof.

The LGR program will reimburse local governments for expenses incurred in carrying out temporary emergency measures. These measures must be necessary to prevent or mitigate injury to human health or the environment associated with the release of any hazardous substance, pollutant or contaminant. The financial relief is limited to \$25,000 per single response. To obtain more information about the LGR program or to receive an application, call 1-800-431-9209.

### **Oil Pollution Act**

3. The EPA has a program designed to reimburse cost associated with petroleum releases that enter or threaten to enter U.S. waters. The Oil Pollution Act improved the nation's ability to prevent and provide money and resources necessary to respond to oil spills. To obtain more information about the Oil Pollution Act fund, contact EPA Region 7 at (913) 551-7000.

### **For more information**

Missouri Department of Natural Resources  
Environmental Services Program  
Environmental Emergency Response Section  
P.O. Box 176, Jefferson City, MO 65102-0176  
1-800-361-4827 or (573) 526-3315  
(573) 526-3350 fax  
[www.dnr.mo.gov/alpd/esp/index.html](http://www.dnr.mo.gov/alpd/esp/index.html) Program Home Page

## Anytown, MO Fire Department

### Hazardous Substance Emergency Response Cost Recovery Statement

Itemized statement needs to be completed by each responding department and given to the lead agency to mail to the responsible party. Please send by certified mail with return receipt requested.

Responsible Party: XYZ Trucking  
Location: Hwy B & Hwy C Junction  
Date of incident: 1/1/2001, 1300

Statement mailing date: 2/15/2001

Equipment - Rescue Unit (greater than 1 ton), 1 hour = \$250

Personnel - Technical Rescue (\$50 x 5 staff) = \$250

Personal Protective Equipment:

Suits: 6 Saranex @ \$12.50 each = \$ 75

Gloves: 6 pairs heavy nitrile @ \$2/pr = \$ 12

Sorbent Materials:

2 -10 ft. Booms @ \$20 each = \$ 40

200 Pads @ \$.25 each = \$ 50

5 -10 lb. bags sorbent clay @ \$5/ bag = \$ 25

Plugging and Patching materials:

Decontamination Supplies:

Communication Costs:

Cellular: \$15 (see attached invoice) = \$ 15

Other:

Replace 50' of 1.5" fire hose damaged by acid  
(see attached photos and narrative) = \$150

**TOTAL COSTS = \$867**

Please make check payable to Anytown Fire Department.

Thank you,

Chief Joe Smith  
Anytown Fire Dept.  
100 S. Main  
Anytown, MO #####



State of Missouri  
**Spiller Pays Cost Recovery**

<b>Engines:</b>	
<b>1:</b>	<b>Cost/Hr: \$150</b>
1,000 GPM or Greater, 1,200" 2.5" hose or larger, ground ladders, booster tank	
<b>2:</b>	<b>Cost/Hr: \$150</b>
500 – 750 GPM, 1,200" 2.5" hose or larger, ground ladders, booster tank	
<b>3:</b>	<b>Cost/Hr: \$200</b>
Elevated Aerial Device	
<b>4:</b>	<b>Cost/Hr: \$100</b>
Other Engines not fitting above specifications	
<b>Tankers</b>	<b>Cost/Hr: \$175</b>

**Note:** This information was provided by a committee comprised of the Missouri Department of Natural Resources, Division of Fire Safety and local response agencies from across the state of Missouri.

9/2005



State of Missouri  
**Spiller Pays Cost Recovery**

**Rescue Units:**

<b>Greater than 1 ton</b>	<b>Cost/Hr: \$250</b>
Minimum equipment: Air Bags, Cribbing, Lighting, Hyd/Air operated/electric, extrication tools (ie: Hurst), porta power kit, generator, power saw	
<b>One Ton or Less</b>	<b>Cost/Hr: \$100</b>
Equipment: Porta power kit, hand tools	
<b>Medical Unit</b>	<b>Cost/Hr: \$125</b>
<b>Bomb Unit</b>	<b>Cost/Hr: \$175</b>
<b>Decontamination Unit</b>	<b>Cost/Hr: \$150</b>
<b>Law Enforcement Vehicle</b>	<b>Cost/Hr: \$ 50</b>

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9/2005



State of Missouri  
**Spiller Pays Cost Recovery**

<b>Brush - Wildland Unit:</b>	
<b>Pump, Tank, Hose,</b>	<b>Cost/Hr: \$100</b>
<b>Special Equipment / Units:</b>	
<b>Air Teams/Unit</b>	<b>Cost/Hr: \$150</b>
<b>Bomb Unit</b>	<b>Cost/Hr: \$175</b>
<b>HazMat Unit</b>	<b>Cost/Hr: \$150</b>
<b>Lighting Units (towed)</b>	<b>Cost/Hr: \$150</b>
<b>Command Vehicle</b>	<b>Cost/Hr: \$100</b>
<b>Mobile Communications/Command Post</b>	<b>Cost/Hr: \$200</b>
<b>Foam Unit (Foam charged separately)</b>	<b>Cost/Hr: \$150</b>
<b>Personnel: Fire Scene and HazMat</b>	
<b>Fire Department Personnel</b>	<b>Cost/Hr: \$ 25</b>
<b>Technical Rescue</b>	<b>Cost/Hr: \$ 50</b>
<b>Paramedics (ALS)</b>	<b>Cost/Hr: \$ 50</b>
<b>EMT (BLS)</b>	<b>Cost/Hr: \$ 25</b>
<b>Bomb Technician/Disposal Personnel</b>	<b>Cost/Hr: \$ 50</b>
<b>HazMat Technician</b>	<b>Cost/Hr: \$ 50</b>
<b>HazMat Operations</b>	<b>Cost/Hr: \$ 25</b>
<b>HazMat Awareness</b>	<b>Cost/Hr: \$ 15</b>
<b>HazMat Specialist</b>	<b>Cost/Hr: \$ 50</b>
<b>Law Enforcement</b>	<b>Cost/Hr: \$ 25</b>

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State of Missouri  
**Spillers Pays Cost Recovery**

**Medical Units:**

**Cost/Hr: \$125**

**Missouri Statute:**

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9/2005





State of Missouri  
**Spiller Pays Cost Recovery**

<b>HazMat Related Equipment (charge only if used)</b>	
<b>PID - Photo Ionization Detector</b>	<b>Cost/Hr: \$ 20</b>
<b>FID - Flame Ionization Detector</b>	<b>Cost/Hr: \$ 20</b>
<b>CGI 0 Combustible Gas Indicator</b>	<b>Cost/Hr: \$ 20</b>
<b>RAD Meter</b>	<b>Cost/Hr: \$ 20</b>
<b>HazMat ID</b>	<b>Cost/Hr: \$125</b>
<b>APD 2000</b>	<b>Cost/Hr: \$125</b>
<b>HazCat Kits</b>	<b>Cost/Hr: \$ 20</b>
<b>Hapsite (GCMS)</b>	<b>Cost/Hr: \$250</b>
<b>Identifinder (Radiation detector)</b>	<b>Cost/Hr: \$ 20</b>
<b>Organic vapor analyzer</b>	<b>Cost/Hr: \$ 20</b>
<b>pH meter</b>	<b>Cost/Hr: \$ 5</b>
<b>Anthrax test strip identification</b>	<b>Cost/Hr: \$ 50</b>
<b>4 gas meter</b>	<b>Cost/Hr: \$ 25</b>
<b>3 gas meter</b>	<b>Cost/Hr: \$ 25</b>
<b>Air monitoring/communication devices (AreaRAE)</b>	<b>Cost/Hr: \$125</b>
<b>M8 paper</b>	<b>Replacement cost</b>
<b>M9 paper</b>	<b>Replacement cost</b>
<b>M256 Kits</b>	<b>Replacement cost</b>
<b>pH paper</b>	<b>Replacement cost</b>
<b>Absorbent pads and booms</b>	<b>Replacement cost</b>
<b>Overpack drums</b>	<b>Replacement cost</b>
<b>Colorimetric tubes</b>	<b>Replacement cost</b>
<b>Personal Protective Equipment (PPE)</b>	<b>Replacement cost</b>

Actual replacement cost should be used for expendable supplies, equipment, ppe. The Department of Natural Resources maintains an emergency response contract that could serve useful in helping establish rate for HazMat equipment not listed in this bulletin. This contract also has rates for heavy equipment. The emergency response contact can be found at [www.oa.mo.gov/purch/cgi/display.cgi?contnum=C302046003](http://www.oa.mo.gov/purch/cgi/display.cgi?contnum=C302046003).